

# House Study Bill 576 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON BALTIMORE)

## A BILL FOR

1 An Act providing for employment leave relating to adoption.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 84A.5, subsection 4, Code 2016, is  
2 amended to read as follows:

3 4. The division of labor services is responsible for the  
4 administration of the laws of this state under [chapters 88,](#)  
5 [88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 92, 93,](#) and  
6 [94A,](#) and [section 85.68.](#) The executive head of the division is  
7 the labor commissioner, appointed pursuant to [section 91.2.](#)

8 Sec. 2. Section 91.4, subsection 2, Code 2016, is amended  
9 to read as follows:

10 2. The director of the department of workforce development,  
11 in consultation with the labor commissioner, shall, at the  
12 time provided by law, make an annual report to the governor  
13 setting forth in appropriate form the business and expense of  
14 the division of labor services for the preceding year, the  
15 number of remedial actions taken under [chapter 89A,](#) the number  
16 of disputes or violations processed by the division and the  
17 disposition of the disputes or violations, and other matters  
18 pertaining to the division which are of public interest,  
19 together with recommendations for change or amendment of the  
20 laws in [this chapter](#) and [chapters 88, 88A, 88B, 89, 89A, 89B,](#)  
21 [90A, 91A, 91C, 91D, 91E, 92, 93,](#) and [94A,](#) and [section 85.68,](#)  
22 and the recommendations, if any, shall be transmitted by the  
23 governor to the first general assembly in session after the  
24 report is filed.

25 Sec. 3. NEW SECTION. 93.1 Definitions.

26 As used in this chapter, unless the context otherwise  
27 requires:

28 1. "*Adoption*" means the permanent placement in this  
29 state of a child by the department of human services, by a  
30 licensed agency under chapter 238, by an agency that meets the  
31 provisions of the interstate compact in section 232.158, or  
32 by a person making an independent placement according to the  
33 provisions of chapter 600.

34 2. "*Employee*" means a natural person who is employed in this  
35 state for wages by an employer.

1     3. "*Employer*" means a person, as defined in section 4.1, who  
2 in this state employs for wages a natural person.

3     4. "*Grandparent*" means a person who is the parent of a  
4 parent in a parent-child relationship, but who is not a parent  
5 in that parent-child relationship.

6     5. "*Parent-child relationship*" and "*stepparent*" mean the same  
7 as defined in section 600A.2.

8     Sec. 4. NEW SECTION.   **93.2 Adoption leave.**

9     1. If an employer provides employees with maternity,  
10 paternity, or other leave relating to natural childbirth,  
11 the employer shall also provide similar leave to employees  
12 relating to adoption of a child under five years of age or of  
13 a child five years of age or older and incapable of self-care  
14 because of a mental or physical disability, if the child will  
15 be residing with the employee during the period of the leave.  
16 Leave pursuant to this chapter shall only be required within  
17 the first year of such an adoption by an employee.

18    2. Before granting leave pursuant to this chapter, the  
19 employer may ask that an employee provide documentation  
20 verifying the employee's adoption, the date of the adoption,  
21 that the child will be living with the employee, and that the  
22 employee is not the child's grandparent or stepparent and does  
23 not have an already established parent-child relationship with  
24 the child.

25    3. Leave pursuant to this chapter shall not be required if  
26 the employee is the child's grandparent or stepparent or if the  
27 employee has an already established parent-child relationship  
28 with the child.

29     Sec. 5. NEW SECTION.   **93.3 Construction.**

30    1. This chapter shall not be construed to require an  
31 employer to provide paid maternity, paternity, or adoption  
32 leave, or paid vacation, temporary disability, or sick time.

33    2. This chapter shall not be construed to prohibit an  
34 employer from complying with the federal Family and Medical  
35 Leave Act of 1993, Pub. L. No. 103-3, or other federal law

1 or from implementing leave policies with additional employee  
2 benefits for adoption leave beyond that required by this  
3 chapter.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with  
6 the explanation's substance by the members of the general assembly.

7 This bill creates new Code chapter 93, relating to adoption  
8 leave. The bill requires an employer who provides employees  
9 with maternity, paternity, or other leave relating to natural  
10 childbirth to also provide similar leave to employees relating  
11 to adoption of a child under five years of age or of a child  
12 five years of age or older and incapable of self-care because  
13 of a mental or physical disability, if the child will be  
14 residing with the employee during the period of the leave. The  
15 bill only requires such leave within the first year of such an  
16 adoption by an employee.

17 The bill permits an employer to ask that an employee provide  
18 documentation verifying certain information about the adoption  
19 before granting leave pursuant to the bill.

20 Leave pursuant to the bill is not required if the employee  
21 is the child's grandparent or stepparent or if the employee  
22 has an already established parent-child relationship with  
23 the child. "Parent-child relationship" is defined under  
24 Code section 600A.2 as the relationship between a parent  
25 and a child recognized by the law as conferring certain  
26 rights and privileges and imposing certain duties. The term  
27 extends equally to every child and every parent, regardless  
28 of the marital status of the parents of the child. The  
29 rights, duties, and privileges recognized in the parent-child  
30 relationship include those which are maintained by a guardian,  
31 custodian, and guardian ad litem.

32 The bill is not to be construed to require an employer to  
33 provide paid maternity, paternity, or adoption leave, or paid  
34 vacation, temporary disability, or sick time. The bill is  
35 not to be construed to prohibit an employer from complying

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1 with the federal Family and Medical Leave Act of 1993 or other  
2 federal law or from implementing leave policies with additional  
3 employee benefits for adoption leave beyond that required by  
4 the bill.